

Docket No. EHAR0004-D2
US App. No. 10/800,386

claimed invention of the present application was described in Japanese patent application No. 9-328040, which was filed on November 28, 1997 by the same sole inventor, Takahiro Saito, and published on June 18, 1999 as Japanese unexamined patent publication No. 11-161757. The attached Exhibit A is a true copy of Japanese unexamined patent publication No. 11-161757. Also enclosed herewith a true English translation of Exhibit A (labeled as Exhibit B). The disclosure of Japanese patent application No. 9-328040 fully supports all pending claims 6-14. The above evidence shows that Takahiro Saito constructively reduced the claimed invention of the present application to practice on November 28, 1997 before the 102(e) date of Ackley. Therefore, the invention date of the present application antedates Ackley. Ackley should not be used as prior art of the claimed invention of the present application.

The present application is a division of U.S. patent application No. 10/424,650 filed on April 25, 2003, which claims the priority benefit of U.S. patent application No. 09/729,414 filed on December 4, 2000, which in turn claims the priority benefit of U.S. provisional application No. 60/170,815 filed on December 15, 1999. A review of the files shows that pending claims 6-14 of the present application are fully supported by the provisional application No. 60/170,815. Japanese unexamined patent publication No. 11-161757 was published on June 18, 1999 within one year of the filing date of U.S. provisional application No. 60/170,815 and, thus, does not constitute a statutory bar to the later.

For the reasons discussed above, Examiner is respectfully requested to remove the Ackley reference. Withdrawal of the rejection is requested.

Claim Rejections- 35 U.S.C. 103(a)

Claims 9-14 are rejected under 35 USC 103(a) as being unpatentable over Ackley in view of Yoshinaga et al. (US 6,073,842).

For the reasons discussed above, Ackley should be removed, and the rejection should be withdrawn.

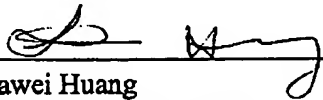
Conclusion

In view of the foregoing remarks, the rejections have been addressed. Reconsideration of the claims is respectfully requested.

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Respectively submitted

Date: 9/7/2005


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